COURTS, KEEP OFF

EBERHART PROVIDES A SEN-SATION FOR THE GOVERNORS.

Proposes That They Ask Congress to Compel Federal Courts to Let Railrend Cases Alone Till State Courts Have Been Exhausted-Other Topics.

WASHINGTON, Jan. 19 .- Adolph O. Eberhart, the tall, slight young man who became Governor of Minnesota when John A. Johnson died last fall, created the first real sensation of the third conference of the State executives late this afternoon when he brought before the embled Governors a resolution calling on Congress to enact certain legislation. The excitement was of the subdued sort and there was little debate at the time over the resolution, but some of the Governors afterward expressed the idea that the proposition to submit tentative egislation or suggestions for legislation to Congress was most radical.

The resolution is aimed to prevent Federal courts from taking cognizance of cases against common carriers "when statutes provide a method by which the orders of a State commission can be reviewed in the courts of the State and when the State courts have authority to stay the operation of the order pending ch proceedings in review.

"The statutes of the United States," continues the resolution, "should ex-pressly provide that the Federal courts exercise no jurisdiction whatever until the final determination of the prodings by the highest court of the ate. If the State court has no authority to stay the operation of the order nding proceedings in review then the court to that extent should exercise jurisdiction.

Interference between the Federal ourts with orders of State railroad comissions has been in the past a source of irritation, not so much because of any bjection to the exercise of Federal uthority as by reason of the manner in which that authority has been exerted. In our opinion the friction heretofore existing would largely be obviated if ds and holders of their securities vere obliged fully to exhaust the remedies provided by the States before resorting o the Federal courts, and such is the aptrent intimation of the Supreme Court of the United States."

The resolution says that where no ethod is provided by State statutes for ogal review of a commission's order ral courts should exercise the same risdiction as now, "since some method ught to be and must be provided by which these public service corporations can avail themselves of the protection forded by the Constitution of the United States." If a commerce court as suggested by President Taft is created to review orders of the Interstate Comterce Commission, write of error should lie to that court and injunctions against the orders of State commissions should asue from it. The resolution closes as

"We therefore recommend that Con res pass suitable laws to accomplish the suggestions of this conference and that the secretary forward a copy of this resolution to Congress and urge its consideration and enactment into law."

The Minnesota Executive, after reading resolution, moved for its adoption, when several Governors suggested that it was of such importance that great deliberation was necessary he agreed to its submission to five Governors as Gov. Pothier, who was in the chair.

prointed Govs. Fort, Harmon of Ohio. Burke of North Dakota, Prouty of Veront and Ansel of South Carolina on the committee. The five Governors re tion, but adjourned an hour later, to meet to-morrow morning before the regular conference begins.

to-morrow morning before the regular conference begins.

It was made known after the committee meeting that there will be a serious debate over the proposition to submit the resolution to Congress. Never before in the brief history of the conferences has a resolution been presented to the national legislature, and so far as any one remembered to-night no resolution suggesting legislation to Congress was ever brought up before the Governors.

It is the opinion of some of the Governors that the present conference is for the considers too of State reforms and was not called to meddle in national legislation. Few predictions were forth-coming on the fate of the resolution, but it seemed likely that it would not be adopted, at least with the clause tacked to it forwarding it to Congress.

At the morning session conservation of natural resources was the principal topic of discussion, and while there wasn't any agreement among the Ezecutives nor any plan adopted as to howresources could be best conserved, it seemed to be the idea of the conference that within the next few years there is going to be a general movement among the States looking to the preservation of forests and water power. Kov. Quinby of New Hampshire led the discussion with a paper on forests.

The conference of New York, Fort of New York, Fort

Following the address of Gov. Quinby there was a general discussion in which Governors Hughes of New York, Fort of New Jersey. Draper of Massachusetts, Carroll of Iowa, Comer of Alabama and Wilson of Kentucky participated. Gov. Hughes said that fifty years from now the people of New York would be able to look back to this period and see that then the first definite steps for the preservation of the water power of the State were beaun.

to look back to this period and see that then the first definite steps for the preservation of the water power of the State were begun.

Gov. Fort explained how most of the water power of his State had been given away through a grant to Alexander Hamilton, which had been transmitted to other agencies. He said, however, that he favored the restortaion of the water power to the State by legislation.

Gov. Willson objected to the idea of national interference in the conservation of water power and said that it was an invasion of the rights of the States, which he would resist.

Gov. Fort of New Jersey made the first address of the afternoon. His subject was "State Regulation of Quasi-Public Enterprises."

"All thoughtful man he as "he with the charge be changed to attempted that the charge branch in this case, Mr. Jacoby, as and larceny in the sae, Mr. Jacoby, as id Mr. De For

Government to regulate the charges and the service of public service corporations, it is fadvisable, particularly in the case of railroads, for this power to be exercised at all; that the fixing of the rates of transportation, particularly in freight traffic, is a science with which a legislature or commission is poorly qualis

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tired immediately to consider the resolu- fied to deal, and that the public can safely trust to the fairness of the men in charge of railroad properties and to the effects of competition to secure at all times and

District Attorney. John J. Tunney, treasurer of the Electrotypers Union, was about to be tried for grand larceny in the second degree for misappropriating \$270 of the funds of the union. Assistant District Attorney De Ford asked

he added that the District Attorney should not compromise with crime.

Mr. De Ford sent up stairs for District Attorney Whitman, who conferred with Judge Malone and the Assistant for some time. At the end of their talk Judge Malone dictated the following statement, which was included in the minutes:

"In my foregoing remarks I had no intention of implying or suggesting that the District Attorney or his assistants were guilty of or were trying to do

"State Regulation of Quasi-Public Enterprises."

"All thoughtful men see," he said, "that the temper of the people of the country is such that they mean to have something to say in the matter of corporations to see this sign of the times. Nor do I think that the managers of the railway and public utility corporations believe that proper regulation through state or national commissions is either injurious or objectionable. Such commissions properly organized can be made helpful and promotive of public confidence and support. The true relation of the State to the public serving corporations is not a matter for solution in a day or even a year. Great problems in governmental affairs require time to work them out. Our natural enthusiasm and urgency for immediate results often lead to precipitate action. In getting on safe ground in these great industrial trade and transportation questions mistakes will be made. There must be mutual inclination to be just."

Gov. Hadley of Missouri spoke next on railroad rate regulation. "There are those, he said, "who contend that while it is the right of the State and the national Government to regulate the charges and the service of public service corporations, it is fladvisable, particularly in the case of railroades, for this power to be exercised at all; that the fixing of the rates of transportation, particularly in freight traffic, is a science with which a service of the services of the services of the services of the proper to the services of the services of the proper to the services of the proper to the services of the se



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TUESDAY, FEBRUARY 1, 1916.
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For full paydeulars see City Record.

ERNST J. LEDERLE, President:
ALVAH H. DOTY, M. D.,
WILLIAM F. BAKER,

Board of Health.

Dated January 19, 1910.

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Jan. 27 D. Fry. 276 Bowery, all pledges prior Jan. 17, 1909, to No. 32000) JOSEPH SHONGOOD'S SONS, Julius Shongood, Auct., 94 Bowery;
Jan. 20—All dlamonds, watches, jewelry, furadc., pledged with Benjamin Fox, 72 ath av., prior
Jan. 12, 1909, to No. 55592 inclusive, and for F. E.
Foz., 628 9th av., similar goods pledged prior Jan.
12, 1909, to No. 28048 inclusive.
Jan. 21—Jewelry, dc.; Fat. R. Marks, 2007 2d av.
Jan. 24—Jewelry and all goods held over prior
to Jan. 17, 1909; Sig. Freund, 2722 5d av.
Jan. 25—Jewelry: A. Friedman, 191 3d av. and
344 Houston st.

BUSINESS CHANCES

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